

U.S. Patent App'n. Ser. No. 09/921,060
Submission Responsive to Final Rejection dated March 7, 2007
Attorney Docket No. 99997.023404
August 6, 2007

REMARKS

Claims 1, 2, 5-18 and 21-23 are pending in the application. Claims 1, 2, 5-8, 11, 12, 15-18, 22 and 23 have been amended. Claims 3, 4, 19 and 20 have been canceled. No new matter has been added by way of these amendments.

Claims 1-6, 8-11 and 14-23 have been rejected under 35 U.S.C. § 102(b) as allegedly anticipated by USPN 6,061,660 to Eggleston *et. al.* ("Eggleston"). See Final Rejection at ¶ 4. Claims 7, 12 and 13 have been rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Eggleston. See Final Rejection at ¶ 8. Applicant responds as follows.

I. Information Disclosure Statements.

Applicant thanks the Examiner for considering the references that are listed on the second page of the Information Disclosure Statement that was filed on August 30, 2001 and for making these references of record in this application. Although Applicant has checked Public PAIR and cannot locate in the Imaged File Wrapper a copy of the signed PTO Form SB/08A listing the references cited in the Supplemental IDS filed on October 25, 2001, Applicant thanks the Examiner for confirming that these references have been made of record in this application.

II. Drawings.

Applicant thanks the Examiner for accepting the drawings filed in November, 2001.

III. Claim Rejections Under 35 U.S.C. § 112.

Claims 13 and 18 were previously rejected under 35 U.S.C. § 112, second paragraph as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regards as the invention. See Office Action dated July 3, 2006 at ¶ 2. Applicant amended claims 13 and 18, and thanks the Examiner for withdrawing these rejections.

IV. Claim Rejections Under 35 U.S.C. § 102.

Claims 1-6, 8-11 and 14-23 have been rejected under 35 U.S.C. § 102(b) as allegedly anticipated by USPN 6,061,660 to Eggleston. See Final Rejection at ¶ 4. Applicant respectfully submits that Eggleston does not disclose each and every limitation of independent claims 1, 16, 22 and 23, and therefore does not anticipate these claims or claims 2, 5-6, 8-11, 14, 15, 17, 18 and 21 that depend from these claims. Applicant notes that claims 3, 4, 19 and 20 have been canceled and this rejection is moot with respect to these claims.

Eggleston discloses a system and method whereby consumers register with a host system

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in order to participate in "incentive programs" where the consumers can "win" awards or prizes from sponsors, and then collect the awards or prizes from retailers. The invention of Eggleston is "an inventive program and award fulfillment system that provides easy access to consumers who have standard computer hardware and software, that permits sponsors to build or purchase incentive programs easily and efficiently, and that provides for convenient tracking of participation and convenient, automated award fulfillment." Col. 5, lines 38-44. The system of Eggleston "includes participation of a host who manages the system, one or more consumers who participate in incentive programs and in certain instances win awards, one or more sponsors who offer incentive programs through the host system, and one or more retailers who provide awards for the incentive programs and who fulfill delivery of awards to consumers." Col. 10, lines 3-9.

Thus, Eggleston discloses a system and method where a consumer earns an award or prize by "winning" one or more "incentive programs" that are offered by one or more "sponsors" on the "host system" website.

A. Method Claims 1, 22 and 23.

Claims 1, 22 and 23 are directed to methods for managing purchasing incentives offered to consumers through their memberships in loyalty programs of offering companies and organizations (claim 1); and determining if purchasing incentives are available to a consumer through the consumer's membership in at least one loyalty program of at least one offering company or organization (claims 22 and 23).

Eggleston does not anticipate any of claims 1, 22 and 23 because each of these claims has been amended to include limitations regarding receiving information from consumers on the consumers' *existing* membership in loyalty programs. Specifically, claim 1 has been amended to include the limitation "receiving from a plurality of consumers information regarding the consumer's existing memberships in one or more loyalty programs"; claim 22 has been amended to include the limitation "processing the purchasing incentive query to determine if at least one purchasing incentive is available through the consumer's existing membership in at least one loyalty program of at least one offering company or organization in response to the query"; and claim 23 has been amended to include the limitation "receiving information from at least one consumer relating to at least one existing membership in at least one loyalty program of an

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offering company or organization.”

Eggleston does *not* disclose receiving information on *existing* memberships in one or more loyalty programs of offering companies and organizations from a plurality of consumers. The only information that Eggleston discloses as received from consumers is registration information, which does not include information on existing memberships in loyalty programs. *See, e.g.*, col. 16, lines 19-24.

Accordingly, Eggleston does not disclose each and every limitation of claims 1, 22 and 23, and does not anticipate these claims or claims 2, 5-6, 8-11, 14 and 15, which depend from claim 1. Applicant respectfully requests that these rejections be withdrawn.

B. System Claim 16.

Claim 16 is a system claim for processing purchasing incentive queries for purchasing incentives available to consumers through their existing membership in loyalty programs. Eggleston does not anticipate claim 16 because this claim has been amended to include the limitation “at least one interface unit configured to receive information from a consumer relating to the consumer’s existing memberships in one or more offering company’s or organization’s loyalty programs.” There is no disclosure in Eggleston of an interface unit configured to receive information from a consumer relating to the consumer’s existing memberships in loyalty programs. The only information that is received from consumers by the host system in Eggleston is registration information, which does not include information on existing memberships in loyalty programs. *See, e.g.*, col. 16, lines 19-24.

Since Eggleston does not disclose this limitation of claim 16, Eggleston does not anticipate claim 16, or claims 17, 18 and 20, which depend from claim 16. Applicant respectfully requests that these rejections be withdrawn.

V. Claim Rejections Under 35 U.S.C. § 103.

Claims 7, 12 and 13 have been rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Eggleston. *See* Final Rejection at ¶ 8. Applicant respectfully submits that Eggleston does not disclose each and every limitation of independent claim 1, and therefore does not support a *prima facie* case of obviousness of claims 7, 12 and 13, which depend from claim 1.

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CONCLUSION

Applicants respectfully submit that claims 1, 2, 5-18 and 21-23 are in condition for allowance and request allowance of the same.

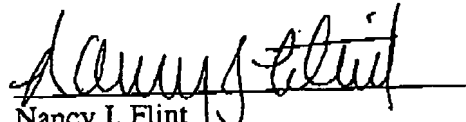
Applicants authorize the Commissioner to charge a fee of \$225.00 for a two month extension of time and a fee of \$395.00 for the accompanying Request for Continued Examination, for a total fee of \$620.00. If any variance from this amount is determined, the Commissioner is hereby authorized to deduct such fees from or credit any overcharges to the undersigned's Deposit Account No. 50-0206.

Respectfully submitted,

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